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6 IN THE UNITED STATES DISTRICT COURT
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8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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10 RAHINAH IBRAHIM,

No. C 06-00545 WHA

11 Plaintiff,

12 v.

13 DEPARTMENT OF HOMELAND
14 SECURITY, et al.,

15 Defendants.
16 _____/

**ORDER REGARDING NON-SSI
PRIVILEGE LOG, MOTION TO
SEAL, REQUESTS FOR
EXTENSION OF TIME, AND
CLASSIFIED SUBMISSIONS**

17 This order addresses several of the parties' recent discovery issues and requests.

18 Regarding plaintiff's proposed non-SSI protective order, defendants object to Section 1,
19 "Purposes and Limitations," and propose to add a substantial volume of text to "clarify the
20 bounds of the protective order." This section in plaintiff's proposed non-SSI protective order is
21 identical to the corresponding section in this district's model protective order for highly-
22 confidential information. Defendants provide no authority showing that this often-used language
23 is inadequate, or that their proposed language provides any necessary clarification. Defendants'
24 objection is **OVERRULED**.

25 Defendants also object to section 15 of plaintiff's proposed protective order regarding
26 return or destruction of highly confidential information, which again copies the model text.
27 Defendants propose that plaintiffs be required to return — rather than destroy — all material
28 designated "highly confidential" within 60 days of the final disposition of this action. Given the
particular circumstances of this action, the government's objection is **SUSTAINED**.

Regarding plaintiff's motion to seal, plaintiffs request to seal information that the Court permitted defendants to serve on an attorney's eyes only basis. Defendants filed a declaration in support of the motion. This motion is **GRANTED**.

1. The clerk shall seal the unredacted version of Plaintiff's Notice of Motion and Motion to Compel Further Responses to Written Discovery and Rule 30(b)(6) Depositions;
2. The clerk shall seal the unredacted version of Plaintiff's Separate Statement of Items in Dispute in Support of Plaintiffs' Motion to Compel Further Responses to Written Discovery and Rule 30(b)(6) Depositions (Part I);
3. The clerk shall seal the unredacted version of Plaintiff's Separate Statement of Items in Dispute in Support of Plaintiffs' Motion to Compel Further Responses to Written Discovery and Rule 30(b)(6) Depositions (Part II); and
4. The clerk shall seal Exhibit FF (amended privilege log), Exhibit GG (privilege log) and Exhibit HH (privilege log) to the Declaration of Christine Peek submitted in Support of Plaintiff's Motion to Compel Further Responses to Written Discovery and to Compel Rule 30(b)(6) Depositions.

Defendants' request for a 30-day extension of time to assert privileges applicable to the pending discovery issues (Dkt. No. 417) is **DENIED**. The government has been on notice of the materials plaintiffs seek in discovery for years. These instant discovery disputes have already been pending more than 30 days. An additional 30-day delay is unnecessary.

Defendants request for a stay of briefing on plaintiff's motion to compel, or in the alternative for an additional two-week delay in which to determine whether they will assert any privileges (Dkt. No. 433) is likewise **DENIED**.

The briefing schedule will, however, be modified to the following extent. Plaintiff's motion to compel (Dkt. No. 425) challenges objections by the government based on classified information as well as non-classified information. The government shall separate its responsive brief into two sections. The first section shall address only non-classified information and privileges, and shall be filed under seal with the Court. The second section shall address only

1 classified information and privileges, and shall be lodged with the Court for *ex parte, in camera*
2 review. The March 14 deadline shall be extended until **MARCH 15 AT NOON** for both sections
3 (which combined should not exceed the page limitations for a single opposition brief).
4 Plaintiff's deadline to reply to the non-classified section shall likewise be extended by one day;
5 there will be no reply submission to the classified section.

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7 **IT IS SO ORDERED.**

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9 Dated: March 13, 2013.

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12 WILLIAM ALSUP
13 UNITED STATES DISTRICT JUDGE
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